

CHANGING THE WORLD
ONE GIRL AT A TIME



ADMISSION PREVIEW:
Sunday, Dec. 7
1:00 – 4:00 pm

DAY: PRE-K-12
BOARDING: 8-12

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PRESTON HOLLOW PEOPLE

ESD Trial, Day 23 UPDATED

You know what’s fun about lawyers? Even when both sides have officially rested their respective cases, the fight rages on.

We’re in the 8th week of a family’s civil suit against the Episcopal School of Dallas related to a teacher’s sexual relationship with a student. Although it seemed the courtroom was ripe for closing arguments last week, we’re now in a bit of limbo.

Judge D’Metria Benson declared the court in recess for three days on Sept. 8 so that “new evidence” could be investigated. It would appear from the sheepish grins of the plaintiffs’ attorneys that the evidence is coming from their side, but there’s been no confirmation of that.

The trial resumes at 9:15 a.m. I'll have updates as soon as humanly possible.

MOTHER OF ALL UPDATES: CLOSING ARGUMENTS WILL BEGIN TOMORROW AT 2 P.M.

UPDATE 10:10 a.m.

Still haven't started for the day. Judge Benson just called the lead counsels from both sides into her chambers.

10:15 a.m.

Fastest chambers meeting to date. Attorneys are headed to the courtroom, and so am I. See you on the outside.

UPDATE 1:45 p.m.

As I type, I'm officially late for the afternoon proceedings. But know this, Swann took the stand and denied telling Bill Black that his daughter needed to leave ESD. Swann also said he didn't "hear" Black say that his daughter had been inappropriately touched by a teacher at ESD, and instead remembered the meeting to be about an accusation of staring. Black denied that staring was part of his complaint on the stand last week.

10:50 a.m.

Chrysta Castaneda says the Texas rule of priest-penitent privilege is "stronger than any in the nation." ESD brings this up because they are claiming that Father Stephen Swann's conversations with Former Student about her sexual relationship with Mike Marsh were confidential because he's a priest, and he couldn't testify about them.

"It is morally absolute. There are no exceptions to the rule," she says.

The plaintiffs are saying that Swann lied about his knowledge of other allegations of sexual abuse at ESD between an employee and a student.

Brent Walker says the privilege "is not unlimited" as Castaneda said it was.

"It's now being offered to excuse Father Swann's materially false testimony," Walker says. "Unfortunately for ESD, just because something is under priest-penitent privilege, it doesn't give them the right to deny it ever happened."

"Just because he's going to sit up there with a collar on doesn't mean he gets to say everything he's been told is privileged," Walker says.

11:05 a.m.

Castaneda says the assertion of the privilege would have been premature during Swann's deposition, and also adds that Swann said he couldn't recall rather than a definitive no.

"There is no perjury statement," Castaneda says.

"He lied under oath," Walker says.

Benson rules that she will allow questions about whether or not Swann lied because it was his obligation to assert the priest-penitent privilege if that was his reasoning for not revealing pertinent information to this case.

11:15 a.m.

Swann, holding his face in a frown, takes the stand.

Swann says his recollection of the meeting with Bill Black and his family was that a math teacher had stared at his daughter in the commons and made her uncomfortable.

Aldous asks Swann if Black said, as he has previously testified to, that the math teacher touched his daughter inappropriately.

“I didn’t hear him say that,” Swann says.

Aldous asks Swann if he’d heard previous complaints about this math teacher before Black came forward.

“Perhaps subsequent, but not prior to that,” Swann says.

11:20 a.m.

Aldous brings out the math teacher’s personnel file, which has a letter from Rebecca Royall dated Dec. 7, 1989. The letter, thrice stamped “confidential,” reprimands the teacher for being overly familiar with female students.

“I do mean physical contact,” Royall wrote in the letter.

She also stated, “You cannot depend on a student to set the boundaries of safety/protection for himself/herself,” and told the math teacher that as the adult, this burden was on him.

(Side note: This contradicts the testimony of ESD’s expert witness, Dr. Rycke Marshall, who said Jane could have set boundaries and limited Campbell’s access to her.)

11:25 a.m.

Aldous asks Swann if he could’ve seen this letter in 1993 when Black complained about this teacher.

Swann says yes, he could have seen it, but he can’t recall if he did.

Now Aldous brings up a letter from April 26, 1993 to the math teacher from Swann. According to Black, this letter predates the incident of inappropriate touching and comments with his daughter, which he alleges happened in the fall of 1993.

Swann says he cannot confirm whether this letter was written before the Black incident.

“It’s interesting it’s not signed,” Swann says of the letter, which bears his name at the bottom but no signature.

11:30 a.m.

The letter references a meeting between the math teacher, Royall, and Swann about reports that “some female students” perceived that this teacher sexually harassed them. The 1993 letter makes note that these claims are “of similar content” to the ones made in 1989.

Swann says his memory of this letter is that it was in response to meeting with the Blacks.

(Side note: No one has testified that Royall was present at the meeting with the Blacks.)

In the April 1993 letter, Swann wrote, “[Math teacher], you have my confidence,” and later, “Please be extremely careful as you are of significant value to this institution.”

Aldous asks Swann if he wrote the letter.

“I never signed it,” he says. “They may be my words.”

11:35 a.m.

Aldous asks Swann if he told Black that his daughter had to leave ESD.

“That is not true,” Swann says.

Aldous asks Swann about specific elements of Black’s testimony, such as the fact that he said Swann was “shocked” to learn that the math teacher had behaved inappropriately with a female student.

“I can’t recall the conversation,” Swann says, adding that he does recall meeting with the Blacks in their home.

Aldous asks Swann if he told the Blacks their daughter had to leave ESD after she’d come forward about the math teacher touching her.

“I did not say that,” Swann says.

“That’s exactly what you did to the [Doe] family 18 years later, is it not?” Aldous asks.

“I did not say that to the [Blacks],” Swann says.

Swann goes on to say he never asked the Blacks for 24 hours for him to reconsider forcing their daughter out of ESD, and he doesn’t recall asking the Blacks if they were threatening him.

11:40 a.m.

Aldous shows Swann's handwritten notes from the meeting with the Blacks at their home. In it he has written:

“Administration wants problem to go away,” “Won't go away,” and “How can I risk bankrupting ESD.”

Swann said he was quoting Black when he wrote those notes.

Aldous asks Swann if he ever told the Blacks that their daughter could stay as long as they kept quiet about their claims against the math teacher.

“I did not do that,” Swann says.

Swann says he didn't have sufficient evidence to fire the math teacher in 1993.

“Despite the fact that he'd been reprimanded in 1989?” Aldous asks.

“That was not sexual contact,” Swann says.

On June 30, 1996, Swann offered to buyout the math teacher's contract and allowed him to resign after another student came forward with complaints similar in nature to the Blacks' accusation.

“It took your school, sir, 7 years before you actually made that man leave ESD, did it not?” Aldous asks.

Swann says the math teacher's actions, while inappropriate, did not have a sexual component and therefore weren't grounds for termination.

“The decision to release [the math teacher] was based on prior events that were not reported as sexual,” Swann says.

11:50 a.m.

Swann's notes on the meeting with the math teacher when he offered him the buyout in 1996 state:

“Be brief,” and “refer to 1989, 1993 complaints,” and “new complaint identical to 1993.”

“Don't you think the right thing to do would've been to terminate him?” Aldous asks.

“It certainly would if there'd been a charge of sexual activity,” Swann says. “There was no charge of touching or anything like that.”

Aldous references the letter from April 1993 when Swann wrote “sexually harassed.”

“Is it not enough that a female student at ESD said [the math teacher] was sexually harassing them? Is that not enough to terminate a teacher?” Aldous asks.

After a long pause, Swann says, “Looking backward, and knowing [the math teacher], I think he was inappropriate, and I wouldn't have used [the term] sexual harassment.”

Noon

Aldous asks Swann if he'd heard that the math teacher had inappropriately touched a student, would it have been grounds for termination?

"For immediate investigation and termination," Swann says.

Aldous asks Swann if he can understand why a parent would be upset at ESD if their daughter was made to leave the school for complaining about the inappropriate behavior of a teacher.

Swann asks if this is a hypothetical question. Aldous says yes.

"Then yes," Swann says.

12:10 p.m.

Aldous quotes Swann's deposition from September 2010, when Swann said he'd told her about "each and every instance of an inappropriate relationship — or allegations of an inappropriate relationship — between a teacher or an employee and a student at ESD."

"When you told me [that] in your deposition, that was not true, was it?" Aldous asks.

Swann takes a long pause and leans back in his chair.

"I didn't remember [the Black claims] because it was not a serious, inappropriate, sexual [relationship]," he says.

Aldous asks Swann if at that time, he recalled the relationship between the Former Student and Mike Marsh.

"Yes, I did," Swann says, adding that he never told Aldous about it because he didn't think he was "free" to do so.

"When I asked you this question in Sept 2010, you never told me that [Former Student] had had an inappropriate sexual relationship with Mike Marsh, did you?" Aldous asks.

"I did not," Swann says.

12:15 p.m.

Swann says he recalls telling the Former Student that she'd "given the school a gift" by coming forward and that he wanted to use her story to educate students, staff, and the board of directors so that future students could be protected.

Swann says he also recalls asking the Former Student to write a letter that he'd show to the ESD community every September.

"I do not recall receiving it," Swann says, later clarifying that he "never received it."

“The truth of the matter is, contrary to what you told [Former Student] you were going to do, you never used her letter to educate the school community. You never told the board of directors what this young lady told you about, did you?” Aldous asks.

“I don’t recall,” he says. “I may have discussed it with the board chair.”

Swann says the information the Former Student shared with him helped him understand that “the predator was never the person you expected to be a predator,” adding it wasn’t the guy lurking on the side of the field, it was “the popular one” everyone liked.

12:20 p.m.

Aldous asks Swann if he knew that Marsh went on to work for Mesquite ISD where he had two charges brought against him of inappropriate conduct with a student (one was dropped).

“I don’t recall that,” Swann says.

“You don’t recall [the Former Student] telling you that?” Aldous asks.

“Yes, that’s a different question,” Swann says. “I’m trying to recall the conversation ... I didn’t know there were two charges. I didn’t probe or ask questions.”

“Are you aware as you sit here today that two former ESD teachers are registered sex offenders?” Aldous asks.

Castaneda objects, and after a bench conference, the jury is instructed to disregard that question.

“Father Swann, at your deposition in Sept 2010, you did not disclose there were complaints about a teacher who is still employed at ESD, did you?” Aldous asks.

Castaneda objects, and after a bench conference, Aldous is allowed to proceed.

Aldous says there were complaints about a teacher’s inappropriate behavior with a student in November 2007.

Swann says he doesn’t recall that.

Aldous says that same teacher, coincidentally also a math teacher, was let go in January 2011 for sexually inappropriate comments toward students.

“Are you aware it took ESD 4 years to take action in this case?” Aldous asks.

“No, I am not,” Swann says.

“Before Nathan Campbell sexually abused [Jane Doe II], you sir knew there’d been other incidents of ESD teachers being sexually inappropriate with students?” Aldous asks.

“Yes,” Swann says.

Swann says he knew he had an obligation to educate the school community about sexual predators.

“ESD failed to uphold that duty, did it not?” Aldous asks.

“We educated our faculty every two years, and the health classes covered these issues,” Swann says.

12:30 p.m.

Aldous asks Swann if he had it to do all over again, would he change anything.

“You can imagine how much time I’ve thought about the decision,” Swann says. “And I keep coming back to rescuing a child who was floundering.”

“You’d do exactly the same thing?” Aldous asks.

“I’d pick her up out of that pond and make sure she was on solid, more solid, ground,” Swann says.

Pass witness. Lunch recess until 1:45 p.m.

2:20 p.m.

Castaneda is cross-examining Swann. She asks him what the procedure is for confession in the Episcopal Church.

“The procedure is to listen to the person who is asking for a hearing,” Swann says. “It’s not an interrogation.”

Castaneda asks Swann if he wears his collar at school. He says yes.

Swann says the Former Student spoke “in very broad terms” about her sexual relationship with Marsh.

“Did she tell you why she was coming to you?” Castaneda asks.

“She said ‘I want or I need to tell you about my relationship with Coach Marsh,’” Swann recalls on the stand.

2:40 p.m.

Swann says the Former Student never brought him a letter as he requested.

“Why, if you were going to sweep this under the rug, would you ask her to write a letter to the board of directors?” Castaneda asks.

“I wasn’t trying to sweep anything under the rug,” Swann says. “I wanted people to know she’d come to me.”

2:45 p.m.

Swann says he didn't renew Marsh's contract because he'd learned that Marsh had videotaped himself having sex with a woman and extorted \$15,000 from her.

Swann says he wasn't worried about Marsh suing ESD, as the Former Student asserted in her testimony.

Swann says if he'd known about the relationship between Marsh and Former Student when it was happening, he'd have fired Marsh, called the girl's parents, and alerted the police.

"Have you at all times before and after your deposition been aware that it was illegal for a person younger than 17 to have sex with an adult?" Castaneda asks.

"Yes," Swann says.

3 p.m.

Castaneda reads from the trial transcript on Aug. 8 when Aldous asked Swann if he'd ever tried to "sweep anything under the rug" about a coach and a student having a sexual relationship at ESD.

The transcript says (after a host of objections and a few rephrases), Swann responded "Yeah."

Castaneda says the court reporter got it wrong, and that Swann actually said no.

"I never use the word 'yeah,'" Swann says.

Switching gears, Castaneda asks Swann what about Aldous' questions on the "legal definition" of sexual assault was confusing to him.

"During testimony and during the deposition, I perceived that Aldous used abuse and assault interchangeably," Swann says.

Swann says he's known the age of consent "forever," and also is aware of the state law that concerning student-teacher relationships.

3:05 p.m.

Swann says he called Hockaday after Bill Black told him that the math teacher had been fired for stalking a student there. Swann says Hockaday told him that the teacher left "in good standing."

Swann says the idea that the Black's daughter needed to leave ESD came from the Blacks, not him.

Castaneda shows Swann's handwritten notes from the meeting with the Blacks that were referenced earlier. She points out a line that says "Will call Jon, I encouraged."

Swann says he told the Blacks to call Jon Mosely, who was the board chair at that time, but he doesn't believe they ever did.

Pass witness.

3:15 p.m.

Aldous takes over for the plaintiffs and shows that Swann used the word "yeah" 14 times in his deposition testimony.

"I totally apologize for my poor grammar," Swann says with a smile.

Aldous asks Swann about his statement that he'd have fired Mike Marsh, told the Former Student's parents, and called police if he'd known about the affair in 1993.

"Would you also have done to [Former Student] what you did to [Jane Doe] and separated her from the school?" Aldous asks.

"I would like to think we'd have done the same thing in meeting with the family and deciding if it was best for her to stay," Swann says.

Aldous asks Swann if he ever considered that in making the decision to expel Jane Doe, he was "sending a message" to the students at ESD that if you report sexual abuse, you'd have to leave the school?

"The message I'd hope students would get out of that is: If ESD is a place where you thrive, it's a place you ought to stay," Swann says.

Witness is excused.

3:25 p.m.

Jury is sent out of the courtroom so ESD can present an offer of proof on Swann.

Castaneda goes through the Book of Common Prayer and the Rite of Confession.

"The secrecy of a confession is morally absolute for the confessor [priest] and must under no circumstances be broken," the passage reads.

Castaneda asks Swann what that means to him.

"It probably means eternal damnation if I break it," Swann says.

Swann says he believes the Former Student came to him "in a spirit of confession."

Castaneda asks Benson if the jury can hear this testimony. She says no.

Aldous presents her own offer of proof and asks Swann if he thought he was subject to eternal damnation, why did he tell a board member about it?

“I didn’t use her name,” Swann says.

Witness is excused, again, but Castaneda attempts to continue to ask questions. Benson gives her the evil eye.

3:35 p.m.

Castaneda presents an offer of proof on Dr. Rycke Marshall.

Marshall says she doesn’t consider the relationship with Former Student and her ESD track coach, Mike Marsh, to be sexual abuse or sexual assault because the girl was 17 and there was no force involved.

Benson says the testimony won’t be heard in front of the jury.

3:40 p.m.

Both sides officially close. The jury is instructed to come back tomorrow at 2 p.m. for closing arguments.

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By [Claire St. Amant](#) Sep. 14, 2011 | 7:00 am | [28 Comments](#) | [Comments RSS](#)

28 comments to "ESD Trial, Day 23 UPDATED"

Uppercase Matt @ September 14, 2011 at [12:50 pm](#)

Claire, did they address the stuff that ESD filed in the last few days? The one motion where ESD was mystified at why JDII had deleted her texts with Campbell – and evidently thinks that no one would ever delete a text, particularly if it’s regarding a secret relationship between a minor and a teacher. Or maybe that’s exactly what a 17-year-old would do when she gets caught and expelled and is forced to face the truth of how she’s been used.

Did they discuss the letter that ESD filed, insisting that they didn’t really tamper with 3 different witnesses (and that’s completely apart from the whole Burrow/Cambell recordings thing)?

Claire St. Amant @ September 14, 2011 at [1:41 pm](#)

@Uppercase Matt, I know what documents you are referring to, but no, the judge has not addressed either of those issues in open court. There was a (very brief) in-chambers meeting this morning though.

Interested DAD @ September 14, 2011 at [4:40 pm](#)

Why is this trial turning into the Bill Clinton defense with Monica Lewinsky?
It is all what your definition “IS” is!

Excuse me? @ September 14, 2011 at [7:43 pm](#)

Is it just me or is Swann looking more and more like the vicar in the Canterbury tales?

eagle-eyed @ September 14, 2011 at [7:52 pm](#)

I am disgusted with Judge Benson. Two more important testimonies brought forth by ESD's attorneys are being blocked from the jury's consideration. How can the jury make any kind of objective decision with Benson's not-so-sly machinations?

Observer @ September 14, 2011 at [8:46 pm](#)

@Excuse me? - I don't recall. Oh, wait. That's what he said. I hope for everyone this ends soon . . . and then there will be an appeal and then thy kingdom come and thy will be done.

Can you really be that biased? @ September 14, 2011 at [9:34 pm](#)

@eagle-eyed

Are you saying that Swann's big fat lies are Benson's fault? Are you saying that ESD shouldn't have to play by the rules of the court system? Are you saying that if ESD is found guilty, it's only because of the judge and not because they ARE guilty?

Vinny Gambini @ September 14, 2011 at [9:37 pm](#)

Claire — any insights into why the testimony regarding the Rite of Confession was disallowed? Certainly seems relevant, given the previous testimony allowed. I'm not really buying the priest-penitent privilege argument in this context, and I think Judge Benson was right to say he's got to raise the privilege as a basis for refusing to answer, rather than claim it never happened. But once you allow some testimony regarding the privilege as the basis for the earlier false testimony, certainly seems like you should allow testimony regarding the source and strength of the privilege.

Not surprised that the expert's testimony was disallowed. The relationship in question was sexual assault by definition, so his opinion on that seems to be of little use.

LisaM @ September 14, 2011 at [10:28 pm](#)

Swann's testimony is starting to sound like the Catholic church's response to the priest molestation issues...

CosmoMartini @ September 14, 2011 at [11:04 pm](#)

This is what a \$1,000,000 in annual salary buys these days? A million bucks sure isn't what it used to be, is it?

one who knows ESD @ September 15, 2011 at [9:46 am](#)

eagled-eyed:

man you just did not drink the kool-aid. you swam in it.

what two important testimonies are you talking about? does it not bother you that the school knew about other issues and then denied them? or that it seems that this is an ongoing problem at this school.

what I wonder about is why this deceased math teacher (DMT) was escorted out by the police when DMT was finally "let go", but Campbell was allowed to finish the day teaching. If no one knew (Father Swann) about DMT, then why the escort out in the middle of the day? And yes it did happen that way.

HappyMom @ September 15, 2011 at [9:49 am](#)

has anyone ever looked to see if father swann is really a "father"?

Uppercase Matt @ September 15, 2011 at [9:55 am](#)

Aldous should have asked Swann if he granted FS absolution after the "confession" — I would bet he didn't, making it clear that their conversation was not any part of a rite of "Reconciliation of a Penitent" in the Episcopal Church.

A man with such an obviously flawed memory should not be running a school or anything else.

Claire St. Amant @ September 15, 2011 at [9:56 am](#)

@HappyMom, Bishop James Stanton of the Episcopal Diocese of Dallas testified that Swann was an Episcopal priest and “canonically” resides at his dioceses.

Nancy @ September 15, 2011 at [10:11 am](#)

This judge does look bias. It is shocking how one sided her rulings are.

one who knows ESD @ September 15, 2011 at [10:21 am](#)

so why does the incompetence of ESD lawyers cause biased in the judge. It has been obvious since day 1 and ESD’s lawyers have not spent any time in preparing their clients for this trial.

Kat @ September 15, 2011 at [11:16 am](#)

I do hope that ESD’s reputation as a good school does not suffer too much from this trial. It is a good school with an excellent faculty and high principles exhibited by that faculty every day as they interact with the students. There have been some faculty who have definitely not behaved appropriately. They are a very small minority. The administration, however, has been very poor at the very top. (Swann, Royall, and Burrows) This has been true for years. They have always been more concerned with image than truth. The faculty has been kept in the dark about most major problems and issues. They have not been treated as the intelligent professionals that they are. They have been told to keep quiet about any issues that might arise. Everyone on the faculty has known for years that they would be summarily fired if they discussed any of the serious issues that have arisen over time. It really is time to remove the top administrators and replace them with people who will work more closely with the faculty and students. All you really need, afterall, in order to have a school, is a teacher and students. All the rest is window dressing. When window dressing and image become the most important factors at a school it is doomed.

Vinny Gambini @ September 15, 2011 at [11:24 am](#)

Don’t lay this at the feet of the lawyers. I’m not about to say the ESD lawyers have tried a perfect case, but Judge Benson has a reputation for favoring plaintiffs and not being a legal scholar.

According to the Dallas Bar Association website, the most recent judicial poll results are that 22% find her impartial, 15% believe she has an adequate knowledge of the law, and just 14% approve of her overall performance. By contrast, her predecessor had 90+% approval ratings in all those categories.

Knowing that they were not going to get favorable rulings out of Judge Benson, ESD’s lawyers have ended up trying this case for the appellate court and not for the jury. They will, I believe, get smacked by the jury, which may or may not hold up on appeal.

But all of that begs the real question. We’ve “seen” (thanks to Claire) the evidence that the jury has not. And all of it considered, I find it shocking that even the most ardent supporters of ESD fail to give even the slightest hint of being even mildly disturbed by ESD’s actions and reactions in this case.

esdclassmate @ September 15, 2011 at [11:42 am](#)

andddd..jane doe lied on the stand so why isnt the judge treating the plaintiffs the way she is treating esd????????? hmmmmm

Arlo @ September 15, 2011 at [12:19 pm](#)

I don’t think it’s fair to blame counsel for Swann’s bizarre testimony. If he really thought he was bound by privilege, it’s quite possible he didn’t tell the lawyers either. I cannot imagine counsel knew about this.

Can you really be that biased? @ September 15, 2011 at [12:47 pm](#)

@Vinny Gambini

And we all know how upstanding, honest, and straightforward lawyers are...

Rules of Court @ September 15, 2011 at [12:53 pm](#)

Benson isn't biased towards the Plaintiffs, she's just biased AGAINST Locke Lord, with good reason. They have completely disregarded all of the rules for this entire case. Anyone practicing in the DFW area that has gone up against them knows they are known for playing dirty and if you look at the case docket you can see just how insane they are with their filings and objections. I guarantee that no matter what amount of money, if any, is awarded to Plaintiffs that Lock Lord has already been paid more than that in attorneys fees from ESD. At \$300-\$500 per hour for their billing rates and numerous attorneys working on the case for however many months/years now, the amount that ESD has paid for incompetent counsel has to be a ridiculous amount of money. You can't blame Benson for Locke Lord pushing her limits. Of course, Locke Lord will appeal if ESD loses, it's more billing for them. Locke Lord is the only winner here.

one who knows ESD @ September 15, 2011 at [2:03 pm](#)

I think you can blame counsel for some of this. Early on, it appeared that witnesses for ESD were not prepared for questions and changed their answers during the course of the trial.

Plaintiff's witnesses have come across much better in the trail. Win or lose in court, ESD has lost the public perception of this battle.

And that is a shame. It does have a decent reputation within the private school community.

But if these last stories are true, and right now, they ring true.....how can any parent be comfortable with their children at a school with this administration (from Mayo on up) that seems to not care about this type of activity, until it comes out in a trial.

Say what you will, but I can not fathom people coming out of the blue to talk about other cases of sexual misconduct just because they do not like ESD. There is some truth in this storyline about hiding these misdeeds.

Has this happened at other schools, my guess is yes. But the question is not has it happened, but what have schools done about it. And for a teacher to be kept on for years after such incidents begs toward the argument that the school does not take these allegations seriously.

Best case scenario in my book, a deal is reached. Mayo, Royall and Burrows leave by the end of the year. Swann, is given time to "retire" and find a replacement and the school regains its place among the "Big 4" - St. Marks, Hockaday and Greenhill.

Taking this case to appeal by either side, just continues the bad publicity for all involved. And not matter how the courts decide all sides are coming out losers.

CONCERNED ABOUT Eternal damantion? @ September 15, 2011 at [2:15 pm](#)

NOT LOOKING GOOD FOR SWANN OR ESD. I THINK LYING WILL SUBJECT A PERSON TO ETERNAL DAMNATION. WAY TO GO MS. ALDOUS! THE DOE FAMILY IS FORTUNATE TO HAVE YOU IN THEIR CORNER.

"The secrecy of a confession is morally absolute for the confessor [priest] and must under no circumstances be broken," the passage reads."

"Castaneda asks Swann what that means to him."

"It probably means eternal damnation if I break it," Swann says."

CONCERNED ABOUT Eternal damantion? @ September 15, 2011 at [2:16 pm](#)

RULES OF COURT:

YOU ARE EXACTLY RIGHT!

Just Sayin' @ September 15, 2011 at [5:52 pm](#)

If Judge Benson appears to be biased against the defense (and I'm not so sure I agree with that), it may well be that the defense brought that problem on themselves by their last minute decision to include Royce West on the defense team. Unless he has some long-standing relationship with ESD (hah), this was a rather transparent effort to influence the Judge by including one of her high-profile supporters in the ESD team. Seems to me that the Judge could probably figure that out for herself, and may believe she has to bend over backwards to avoid the appearance of favoring her campaign team in court. Yes, I know the other attorneys have contributed to her campaign - but West is one of her highly visible and prominent supporters. I think that was a poor decision by the defense.

concerned about esd @ September 15, 2011 at [7:08 pm](#)